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Signature Page

Bankruptcy Counsel for General Motors LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

MOTORS LIQUIDATION COMPANY, et al.,
f/k/a General Motors Corp., et al.,

Debtors.

Chapter 11

Case No. 09-50026 (MG)

(Jointly Administered)

In re:

GENERAL MOTORS LLC
IGNITION SWITCH LITIGATION

*This Document Relates To
All Economic Loss Actions*

No. 14-MD-2543 (JMF)

No. 14-MC-2543 (JMF)

Hon. Jesse M. Furman

**NOTICE OF JOINT MOTION AND JOINT MOTION OF (i) GENERAL MOTORS LLC,
(ii) THE MOTORS LIQUIDATION COMPANY GUC TRUST, AND (iii) THE
ECONOMIC LOSS PLAINTIFFS TO WITHDRAW THE REFERENCE OF THE
ECONOMIC LOSS PLAINTIFFS' MOTION FOR AN ORDER GRANTING
AUTHORITY TO FILE LATE CLASS PROOFS OF CLAIM AND RELATED FILINGS**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 23, 2020, at 9:30 a.m., or as soon thereafter as the matter may be heard, in the Courtroom of the Honorable Jesse M. Furman, United States District Judge for the Southern District of New York, located at 40 Centre Street, New York, NY 10007, or subject to further order of the Court, by telephone, the parties to a proposed class Settlement Agreement¹ — (i) New GM; (ii) the Motors Liquidation Company GUC Trust (the “GUC Trust”); and (iii) economic loss Plaintiffs seeking to represent classes of purchasers and lessees of certain recalled GM vehicles (collectively, the “Settling Parties”) — will and hereby do move the Court for an order withdrawing the reference to the Bankruptcy Court of certain matters as described below.

The Settling Parties today filed a motion in this Court seeking preliminary approval of the Settlement Agreement. Docket No. 7816. The proposed class Settlement Agreement is intended to resolve the economic loss claims asserted against New GM pending in this Court, as well as putative economic loss class claims plaintiffs seek to file against the GUC Trust in the Bankruptcy Court, which are the subject of the Economic Loss Plaintiffs’ Motion for an Order Granting Authority to File Late Proofs of Claims, filed in the Bankruptcy Court on December 22, 2016 (the “Initial Late Claims Motion”; collectively with the filings listed in notes 2 and 3, the “Late Claims Motions”), as amended on April 24, 2018.²

In order to effectuate the preliminary and final approval of the proposed class Settlement

¹ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Memorandum (as defined below) in support of this Motion or, if not otherwise defined in that Memorandum, in the Settlement Agreement.

² See *Notice Of Filing Of Amended Exhibits To Motion For An Order Granting Authority To File Late Class Proofs Of Claim* on April 24, 2019 (Bankr. Docket No. 14280) (“Notice of Amended Exhibits”). The Settling Parties’ request encompasses this Notice as well. The parties dispute the propriety of the amendment and reserve all rights and defenses.

Agreement, the Settling Parties seek to withdraw, for cause, the reference to the Bankruptcy Court of the Late Claims Motions and the putative class proofs of claims the plaintiffs sought to file through the Late Claims Motions.³ *See* 28 U.S.C. § 157(d) (“The district court may withdraw, in whole or in part, any case or proceeding referred under this section, on its own motion or on timely motion of any party for cause shown.”). The proposed comprehensive class Settlement requires approval pursuant to Federal Rule of Civil Procedure 23 and withdrawing the reference would promote efficiency and uniformity in the administration of the law and, in particular, the approval process of the Settling Parties’ Settlement Agreement.

Accordingly, for these reasons, and for the reasons more fully set forth in the accompanying *Joint Memorandum Of Law By (i) General Motors LLC, (ii) The Motors Liquidation Company GUC Trust, And (iii) The Economic Loss Plaintiffs In Support Of Their Motion To Withdraw The Reference Of The Economic Loss Plaintiffs’ Motion For An Order Granting Authority To File Late Class Proofs Of Claim And Related Filings* (the “Memorandum”), the Settling Parties respectfully request that this Court withdraw the reference to the Bankruptcy Court of (i) the Initial Late Claims Motion, (ii) the Notice of Amended Exhibits, (iii) the Peller Joinder,⁴ and (iv) the Groman Plaintiffs’ Joinder.⁵

³ Certain parties also filed joinders to the Initial Late Claims Motion, as permitted by the Bankruptcy Court’s December 13, 2016 Order To Show Cause. Bankr. Docket No. 13802; *see also* Bankr. Docket No. 13811 (“Peller Joinder”); Bankr. Docket No. 13818 (“Groman Plaintiffs’ Joinder”). The economic loss plaintiffs that filed these joinders are members of the proposed Settlement Class. The Settling Parties also request withdrawal of these joinders as to their economic loss claims, as related filings.

⁴ This joinder primarily seeks to assert late economic loss claims. However, Sharon Bledsoe, one of the plaintiffs who filed the joinder, seeks to assert both late economic loss claims and a late personal injury claim. The Settling Parties do not seek to withdraw the reference with respect to that portion of this joinder that relates to Ms. Bledsoe’s personal injury claim. In addition, the Bankruptcy Court previously denied Celestine Elliott’s and Lawrence Elliott’s request for permission to file a late proof of claim with respect to their 2006 Chevrolet Trailblazer. Accordingly, that portion of this joinder has been resolved by the Bankruptcy Court and is therefore not subject to this Motion.

⁵ As set forth in the Settlement Agreement, the Economic Loss Plaintiffs and New GM will continue to pursue Proposed Proofs of Claim against the Avoidance Action Trust (“AAT”) and its assets in the Bankruptcy Court notwithstanding approval of the Settlement Agreement, and the Settling Parties do not seek to withdraw the

For the avoidance of doubt, the Settling Parties do not request that this Court withdraw the reference with respect to any other matters currently pending before the Bankruptcy Court, including (i) the GUC Trust Motion; (ii) the GUC Trust Approval Order; (iii) the Excess Distribution Motion; (iv) personal injury or wrongful death claims in the Bankruptcy Case relating to the Subject Vehicles; (v) claims and Actions asserted against the AAT, Old GM or the Old GM Bankruptcy Estates to the extent such claims or Actions are recoverable solely against the AAT or its assets; and/or (vi) individual claims or motions, if any, in the Bankruptcy Case filed by a Person who would have been a Class Member who becomes an Opt-Out.

A proposed order is attached as Exhibit 13 to the Settlement Agreement, and is also attached as Exhibit 3 to the Memorandum in support of the Joint Motion.

reference with respect to such claims against the AAT. Settlement Agreement ¶ 142.

Dated: March 27, 2020

Respectfully submitted,

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